

## HOUSE BILL NO. 384

INTRODUCED BY J. WELLS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE COMMISSIONERS OF MUNICIPAL AND REGIONAL AIRPORT AUTHORITIES BE ELECTED; REQUIRING THAT A RESOLUTION FOR THE CREATION OF OR FOR AN EXPANSION OF A REGIONAL AIRPORT AUTHORITY DESCRIBE THE AREA TO BE SERVED BY THE AUTHORITY AND PROVIDE FOR ELECTION OF COMMISSIONERS FROM THE ELECTORATE OF THAT AREA; PROVIDING THAT COMMISSIONERS OF AUTHORITIES ALREADY IN EXISTENCE BE REPLACED BY ELECTED COMMISSIONERS UPON VACANCIES OR EXPIRATION OF TERMS; PROVIDING THAT A COMMISSIONER MAY NOT SERVE FOR MORE THAN 10 CONSECUTIVE YEARS; AND AMENDING SECTIONS 67-11-102, 67-11-103, AND 67-11-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 67-11-102, MCA, is amended to read:

**"67-11-102. Municipal airport authority.** ~~Any (1) A~~ municipality may, by resolution of its governing body, create a public body, corporate and politic, to be known as a municipal airport authority ~~which shall be authorized to that may~~ exercise its functions upon the ~~appointment and qualification election~~ of the first commissioners ~~thereof, or the~~ of the authority. The governing body may by resolution ~~determine to~~ exercise any ~~or all~~ powers granted to ~~such airport~~ authorities in this chapter until ~~or unless such the~~ powers are ~~or have been~~ conferred upon a municipal or regional airport authority. Upon the adoption of a resolution creating a municipal airport authority, the governing body of the municipality shall, ~~pursuant to the resolution, appoint~~ provide for the election of not less than five persons as commissioners of the authority. The commissioners who are first ~~appointed shall~~ elected must be designated to serve for terms of 1, 2, 3, 4, and 5 years, respectively, but ~~thereafter after the expiration of the first commissioners' terms,~~ each commissioner ~~shall must~~ be ~~appointed~~ elected for a term of 5 years, ~~except that vacancies occurring otherwise than by expiration of the term shall be filled for the unexpired term by the governing body.~~

(2) The commissioners must be elected at a municipal election or by mail ballot as provided in Title 13, chapter 19, and a commissioner elected as provided in this section may not serve for more than 10 consecutive years.

1 (3) For a municipal authority created prior to [the effective date of this act]:

2 (a) the resolution that created the authority must be amended to provide for election of commissioners;

3 and

4 (b) an election is required to fill a vacancy or to elect a replacement for a commissioner whose term  
5 expires after [the effective date of this act]."

6  
7 **Section 2.** Section 67-11-103, MCA, is amended to read:

8 **"67-11-103. Regional airport authority.** (1) Two or more municipalities may by joint resolution create  
9 a public body, corporate and politic, to be known as a regional airport authority. The resolution creating a  
10 regional airport authority ~~shall create~~ must:

11 (a) provide for a board of not less than five commissioners; the number to be appointed, their term and  
12 compensation, if any, shall be provided for in the resolution

13 (b) provide the term and compensation, if any, of the commissioners; and

14 (c) describe the area to be served by the authority and provide for the election of the commissioners by  
15 the electorate in the area described.

16 (2) For a regional airport authority created prior to [the effective date of this act]:

17 (a) the resolution that created the authority must be amended to describe the area to be served by the  
18 authority and to provide for the election of commissioners by the electorate in the area described; and

19 (b) an election is required to fill a vacancy or to elect a replacement for a commissioner whose term  
20 expires after [the effective date of this act].

21 (3) Each ~~such~~ regional airport authority shall organize, select officers for terms to be fixed by agreement,  
22 and adopt and amend from time to time rules for its own procedure ~~not inconsistent~~ that are consistent with  
23 67-11-104.

24 ~~(2)(4)~~ (a) A regional airport authority may be ~~increased~~ expanded from time to time to serve one or more  
25 additional municipalities if each additional municipality and each of the municipalities ~~then~~ included in the  
26 regional authority and the commissioners of the regional authority, respectively, adopt a joint resolution  
27 consenting ~~thereto~~, to the expansion. ~~provided that if~~

28 (b) If a municipal airport authority exists for ~~any~~ a municipality seeking to be included in the regional  
29 authority ~~is then in existence~~, the commissioners of the municipal authority ~~must~~ shall consent to the inclusion  
30 of the municipality in the regional authority.

(c) Upon the inclusion of ~~any a~~ municipality in the regional authority, all rights, contracts, obligations, and property, real and personal, of the municipal authority ~~shall~~ must be in the name of and vest in the regional authority.

(d) The joint resolution must describe the area to be served by the authority and, if the joint resolution provides for additional commissioners, the resolution must provide for the election of the commissioners by the electorate in the area described.

~~(3)(5)~~ A regional airport authority may be decreased if each of the municipalities ~~then~~ included in the regional authority and the commissioners of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets and liabilities.

~~(4)(6)~~ A municipality ~~shall~~ may not adopt ~~any a~~ resolution authorized by this section without a public hearing ~~thereon on the resolution~~. Notice thereof shall of the hearing must be given at least 10 days prior ~~thereto to the hearing~~ in a newspaper published in the municipality or, if there is no newspaper published ~~therein in the municipality~~, ~~then~~ in a newspaper having general circulation in the municipality.

~~(5)(7)~~ For the purpose of this chapter, a regional airport authority ~~shall have~~ has the same powers as all other political subdivisions in the adoption and enforcement of comprehensive airport zoning regulations as provided for by the laws of this state.

(8) A commissioner elected as provided in this section may not serve more than 10 consecutive years."

**Section 3.** Section 67-11-104, MCA, is amended to read:

**"67-11-104. Commissioners.** (1) The powers of each authority ~~shall be~~ are vested in the commissioners ~~thereof of the authority~~. A majority of the commissioners of an authority ~~shall~~ constitute a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present.

(2) ~~There shall be elected a chairman and vice chairman~~ A presiding officer and a vice presiding officer must be elected from among the commissioners. An authority may employ an executive director, secretary, technical experts, and ~~such any~~ other officers, agents, and employees, permanent and temporary, ~~as that~~ it may require, and the authority shall determine their qualifications, duties, and compensation. An authority may delegate to one or more of its agents or employees ~~such any~~ powers or duties ~~as it may deem proper that it~~ considers appropriate.

(3) A commissioner of an authority ~~shall be~~ is entitled to the necessary ~~expense~~ expenses, including

1 travel expenses, as provided for in 2-18-501 through 2-18-503, incurred in the discharge of his the  
2 commissioner's duties. Each commissioner shall hold office until his a successor has been appointed and has  
3 qualified elected. ~~The certificates of the appointment and reappointment of commissioners shall be filed with the~~  
4 ~~authority."~~

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